

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001

512/424-2000

www.dps.texas.gov



STEVEN C. McCRAW
DIRECTOR
SKYLOR HEARN
FREEMAN F. MARTIN
RANDALL B. PRINCE
DEPUTY DIRECTORS



COMMISSION
STEVEN P. MACH, CHAIRMAN
MANNY FLORES
A. CYNTHIA LEON
JASON K. PULLIAM
RANDY WATSON

November 9, 2018

Via Email

Annita Lucchesi
MuckRock News
62893-10421792@requests.muckrock.com

RE: Public Information Request for data on all cases of: unsolved missing persons, homicides, suspicious deaths, and deaths in custody involving an Alaska Native/American Indian woman or girl victim (PIR # 18-8257)

Ms. Lucchesi:

The Department received your above-referenced request on October 29, 2018. The Department has located records responsive to your request; however, we believe some or all of the records may be excepted from required public disclosure at this time. We are seeking a ruling from the attorney general's office with respect to disclosure of these records, and a copy of our request letter is enclosed. You will be notified directly by the attorney general's office when a ruling is issued. The enclosed records are the only ones we believe are available to you at this time. These records are provided to you at no cost.

If you have any questions regarding this request, please submit them in writing via facsimile to (512) 424-5716, via email to OGC.Webmaster@dps.texas.gov, via mail to the address in the letterhead, or in person at our offices at 5805 N. Lamar Blvd. in Austin. Thank you.

Cordially,

ML Calcote

ML Calcote
Assistant General Counsel

cc: Attorney General of Texas
Open Records Division
209 West 14th Street, 6th Floor
Austin, Texas 78701

\\hqogcs001\ORA\2018 requests\18-8257\18-8257 (18-11-09) letter to requestor

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001

512/424-2000

www.dps.texas.gov



STEVEN C. McCRAW
DIRECTOR
SKYLOR HEARN
FREEMAN F. MARTIN
RANDALL B. PRINCE
DEPUTY DIRECTORS



COMMISSION
STEVEN P. MACH, CHAIRMAN
MANNY FLORES
A. CYNTHIA LEON
JASON K. PULLIAM
RANDY WATSON

November 9, 2018

Via Hand Delivery

Attorney General of Texas
Open Records Division
209 West 14th Street, 6th Floor
Austin, Texas 78701

RE: Public Information Request for data on all cases of: unsolved missing persons, homicides, suspicious deaths, and deaths in custody involving an Alaska Native/American Indian woman or girl victim (PIR # 18-8257)

DATE REQUEST FOR INFORMATION RECEIVED:

10/29/2018

DATE REQUEST FOR RULING SUBMITTED TO ATTORNEY GENERAL:

11/9/2018

Dear Open Records Division:

The Department of Public Safety received the above-referenced request for information from Annita Lucchesi on October 29, 2018. We believe some or all of the requested information is excepted from required public disclosure pursuant to sections 552.101, 552.108, and 552.108 of the Government Code. Accordingly, we are requesting a ruling regarding the release of these records.

Section 552.101 of the Government Code states that “[i]nformation is excepted from the requirements of Section 552.021 if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision.”

This section encompasses article 63.017 of the Code of Criminal Procedure, which provides:

Clearinghouse records that relate to the investigation by a law enforcement agency of a missing child, a missing person, or an unidentified body and records or notations that the clearinghouse maintains for internal use in matters relating to missing children, missing persons, or unidentified bodies are confidential.

Crim. Proc. Code art. 63.017. For purposes of article 63.017, “clearinghouse” is defined as the missing children and missing persons information clearinghouse, which is established within the Texas Department of Public Safety. *Id.* Arts. 63.001(7), .002(a).

Although the requestor asks for the missing person information, the information entered into the TCIC system by the local law enforcement agency is used to create the Missing Persons Clearinghouse record. Thus, release of the TCIC/NCIC report would be a release of the

Clearinghouse record, which is confidential under article 63.017 of the Code of Criminal Procedure. Therefore, the Department believes the requested information is excepted from required public disclosure under section 552.101 of the Government Code.

The requestor also asks for cases of homicides, suspicious deaths, and deaths in custody. The Department has located some responsive records but the cases involve ongoing investigations. Thus, the Department believes the requested information is excepted from required public disclosure pursuant to section 552.108(a)(1) of the Government Code, which states:

- (a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:
 - (1) release of the information would interfere with the detection, investigation, or prosecution of crime.

Because these are ongoing investigations, the release of potential evidence would interfere with the investigation and prosecution of this case. *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177, 184-85 (Tex. Civ. App.—Houston [14th Dist.] 1975), *writ ref'd n.r.e.*, 536 S.W.2d 559 (Tex. 1976) (per curiam). Consequently, the Department believes these responsive records are excepted from required public disclosure at least until the investigation is complete.

Please find enclosed the request from Annita Lucchesi, the notice of our request for a ruling sent to the requestor, and a representative sample of the records we wish to except from required disclosure. Please feel free to contact me at (512) 424-2890 if you have any questions.

Sincerely,

ML Calcote
Assistant General Counsel

Enclosure(s)

cc: Annita Lucchesi
MuckRock News
DEPT MR 62893
411A Highland Ave
Somerville, MA 02144-2516
62893-10421792@requests.muckrock.com

TEXAS DEPARTMENT OF PUBLIC SAFETY
TEXAS RANGERS

THIS REPORT IS THE PROPERTY OF THE TEXAS RANGERS. NEITHER IT NOR ITS
CONTENTS MAY BE DISSEMINATED OUTSIDE THE AGENCY TO WHICH LOANED.

LEAD INVESTIGATOR:	MICHAEL ADCOCK	INVEST#:	2016I-TRB-50009049
SUPERVISOR:	KENNETH BOND	OPENED:	12/29/2016
TITLE:	AGGRAVATED ASSAULT, VAN ZANDT COUNTY, PEGGY CHAPMAN	FILE STATUS:	OPEN
TYPE:	CRIMINAL	DIVISION:	TEXAS RANGERS
SERVICE:		REGION:	B
DISTRICT:		AREA:	
SUBTYPE:	ASSAULTIVE OFFENSES (INCLUDING SEXUAL ASSAULT)	SPURS URN:	CMIV50009049
CATEGORY:	INVESTIGATIVE	REVIEW DATE:	07/09/2017
SPECIAL APPROVAL:		LEGACY REF:	
PROGRAM:	CRIMES AGAINST PERSON	SUBPROGRAM:	FELONY
CASE#:			

INVESTIGATION SYNOPSIS

On 05-12-2016, I Texas Ranger Michael Adcock was contacted by Van Zandt County District Attorney Chris Martin in reference to a possible Homicide that occurred in the city of Wills Point. A short time later I was contacted by Wills Point Police Chief Rob Powell, who requested I respond and assist with the investigation. When I arrived at the Rest Motel in Wills Point, I learned the victim, Peggy Nell Chapman was still alive. Chapman had been transported to Parkland Hospital in Dallas. I also learned that the Wills Point Police Department had detained Chapman's son, Steven Thomas, for the Assault. I assisted with the processing on the crime scene. Future report will detail further investigative efforts.